

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	29/11/2019
Planning Development Manager authorisation:	TF	06/12/2019
Admin checks / despatch completed	SB	06/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	6/12/19

Application: 19/01172/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr Steve Pilling

Address: Shrublands Bradfield Road Wix

Development: Proposed two storey side and rear extension.

1. Town / Parish Council

Wix Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the Applicant does not appear to own or control sufficient land to provide the proposed access with adequate vehicular visibility splays contrary to the recommended minimum standards for highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

The proposal for the creation of a further vehicular access would introduce an additional and unnecessary point of traffic conflict into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Planning History

02/00477/FUL	Bathroom addition to existing house	Approved	22.04.2002
19/01172/FUL	Proposed two storey side and rear extension.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Local Planning Guidance
Essex Design Guide
Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the north east of Bradfield Road, outside the development boundary of Wix. It serves a detached two storey dwelling, set centrally within a large plot, constructed of render and red brick with a slate roof. The front of the site has a gravel drive with various borders containing mature shrubs and trees. Gated access to the rear of the site, including double gates for vehicular access, is located to the sides of the dwelling. The rear of the site has a detached garage and various outbuildings and caravans. It is predominantly laid to lawn with a mixture of gravel and concrete adjacent to the dwelling and concrete pathways leading to the rear of the garden with mature planting throughout the site. A breeze block wall is situated on the boundary with the southern neighbour and a close boarded fence on the boundary shared with the northern neighbour.

Proposal

The application proposes a two storey side and rear extensions to the dwelling. The rear extension will 'square off' the rear of the existing dwelling, measuring a maximum of 4.3m deep by 12.1m wide and attaches to the proposed side extension. The side extension will measure 7.3m wide by 9.6m deep, with a hipped roof with a maximum eaves height of 5.2m and ridge height of 7.2m. The side extension will be set back 1.75m from the front elevation and project a further 1.75m into the rear garden from the rear elevation of the rear extension. The proposed materials will consist of brickwork, render and slate to match the existing dwelling.

The original application proposed a second vehicular access to the south of the site but Essex County Council objected and the additional vehicular access was subsequently removed from the application. The application also proposed the extension to be built level with the existing front elevation of the dwelling, but through amendment to the application the extension has been set back and measures put in place to reduce possible impact on neighbours.

Representations

One letter of objection was received relating to the original plans, followed by two further letters of objection relating to the amended plans. The concerns raised include:

- Original plans included discrepancies (amended plans submitted)
- Overshadowing (see officer report)
- Scale compared to neighbour to south (see officer report)
- Loss of light (see officer report)
- Loss of privacy due to proposed side windows and balcony (see officer report)
- Annex or 3 bedroom dwelling? (see officer report)
- Notifications to neighbours (letters were sent notifying the adjacent neighbours and Parish, and a site notice displayed at the site in line with Council protocol)
- Consideration for neighbours during construction phase (this would be a civil matter between neighbours. The application relates to an extension to an existing residential dwelling therefore it would be unreasonable to impose conditions relating to working methods and hours for construction)

Essex County Council Highways objected to the proposed new access (which no longer forms part of this application) as the applicant does not appear to own or control sufficient land to provide the proposed access with adequate vehicular visibility splays and the creation of a further vehicular access would introduce an additional and unnecessary point of traffic conflict into the highway to the detriment of highway safety.

The Council's Tree and Landscape Officer noted that within the front garden of the application site there are two large Monkey Puzzle trees (*Araucaria araucana*). The proposed front and side extension will be no closer to the trees than the existing dwelling and will be unlikely to cause significant harm to either tree. Therefore neither tree needs to be formally protected by means of a tree preservation order. There appears to be little need for additional soft landscaping to be associated with the development proposal.

Assessment

The main considerations of this application are the design and the impact on residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and would not represent overdevelopment of the site.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting, does not create a cramped appearance and safeguard the amenities and aspect of adjoining residents.

Design

The proposed extension is considered to be of a scale and nature appropriate to the site. Whilst the extensions are considerable two storey additions the existing dwelling is set within a large plot so the scale of development is not considered to represent overdevelopment of the site. The extension will be located over 3m from the nearest side boundary to the south so it will not create a cramped appearance. Furthermore, the extension will be set back 1.75m from the front elevation of the dwelling and over 13m from the road; therefore, whilst the extension will be publicly visible due to the scale of development, the setback will allow a development that does not create an adverse impact upon the street scene. The use of matching materials and a design to continue the appearance of the existing dwelling will help blend the development with the host dwelling and will create a development that is well related to the dwelling.

Windmill Road is made up of a variety of different house types. All properties located to the north of Windmill Road have similar plot sizes with the exception of Shrublands (the application site) and Wayside (the site to the north), which have larger plots. The properties to the south of Windmill Road have large plot sizes too. The residential property to the south of the application site, known as Bartlet, is a smaller plot, which still has a considerably large two storey rear addition attached to the single storey front aspect. Whilst this neighbour's concern about the scale of development compared to Bartlet is noted the development is considered on its own merit based on the size of the application site, furthermore, due to the mix of properties and plot sizes in the area the development is not considered to be inappropriate in its setting.

The plans illustrate the rear extension to include a new bathroom, extended kitchen and utility area to the main dwelling. The side extension proposes a further 3 no. bedrooms (2 with en-suite), a bathroom and 2 no. living areas to form annexe accommodation which would not normally be accepted on this scale as it takes on the form of a separate dwelling. However, a justification statement accompanies the application to set out the reason why the 'annexe' should be accepted on this scale. Due to the special circumstances of the applicant the scale of the annexe is therefore considered acceptable, but to ensure that the extension/annexe is always used as ancillary accommodation to the main dwelling a condition is imposed and a separate planning application would be required to apply for a separate unit of accommodation.

The scale of development would result in a possible increase in the number of vehicles parked at the site, but the site has a long gravel driveway and double gates for vehicular access to the rear of the site. The site can easily accommodate the parking of more than 2 no. cars in line with current standards so there is no objection to the level of parking available at the site.

Impact on Residential Amenity

The proposed extensions will be located over 6m from the northern boundary shared with the neighbour known as Wayside, and 3m, extending to 4m at the rear, from the neighbour to the south, known as Bartlet.

Wayside is a two storey dwelling located away from the side boundary shared with the application site, with boundary treatments and planting that would help to screen the development. The proposed balcony, which did cause some concern to this neighbour, will be located some 20m from the side boundary shared with this neighbour. The development overall is not considered to cause any significant adverse impact on the residential amenities of the property known as Wayside.

The 45 degree rule contained within the Essex Design Guide has been applied to the development. Due to the separation between the properties and the orientation of the application site, located to the north of Bartlet, the extensions are not considered to cause any significant adverse impact on the sunlight/daylight enjoyed by this neighbour and the extensions are not considered to cause a degree of overshadowing that would warrant the refusal of planning permission.

The extensions propose the inclusion of 3 no. windows at first floor level on the south facing side elevation that looks onto Bartlet, plus a rear facing balcony. Due to the significant depth of Bartlet

and the proximity of these details on the submitted plans there is no significant concern of overlooking into this neighbour's private amenity space. To mitigate the concerns of this neighbour regarding loss of privacy the side windows are proposed to be obscure glazed and the balcony will include a 2.1m high opaque side screen facing this neighbour. Conditions will also be imposed on the permission to ensure that these features are retained at all times in the interest of residential amenity.

Subject to compliance with these conditions and due to the separation between the development and neighbouring property, the development is not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property. The proposal is compliant with Policy HG14 of the adopted Local Plan and is considered to safeguard the amenities of adjoining residents.

Conclusion

It is considered that the revisions to the proposed development are consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 1320 A received 6 November 2019 referring to Revision B - Oct 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The side extension serving the annexe accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Shrublands, Bradfield Road, Wix, Manningtree, Essex, CO11 2SL.

Reason - The site is unsuitable for an independent residential unit.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows in south side elevation shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 5 The 2.1m opaque side screen serving the balcony shown on Drawing Number 1320 A shall be installed before the development hereby permitted is first occupied and shall be retained as such thereafter.

Reason - To protect the privacy and amenities of the occupiers of neighbouring property.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO